

Remarks

In the subject Office Action, claim 9 was rejected under sec 112, second paragraph. Claims 1-13, 16-21, 23-24 were rejected under the judicially created doctrine of double patenting. Claims 1-14(11?), 16-19, 21 and 23 were rejected under 35 USC 102(e) as being anticipated Nason. Claims 12-13, 20, 24 were rejected under 35 USC 103 in view of Nason and Gould. Claims 14-15, 22, 25-34 are under restriction requirement.

In response, Applicant has amended claims 1, 6, 10, 11, 13, 14, 16, 17, 20 and 25 to overcome the Examiner's 102 and 103 rejections, to be discussed more fully below. Additionally, Applicant submits herewith a Terminal Disclaimer, overcoming the Examiner's double patenting rejection.

With respect to the rejection against claim 9, Applicant respectfully directs the Examiner's attention to the fact that claim 9 depends on claim 1 (through claims 7, 6 and 5), wherein a "reserving" operation is recited, providing the antecedent for the recitation of "said reserving" in claim 9. Accordingly, withdrawal of the rejection is respectfully requested.

With respect to rejections against claims 1-14, 16-19, 21, 23 under 35 USC 102(e), based on the Examiner's discussion of the reasons of rejection, Applicant assumes the Examiner meant to reject claims 1-11, 16-19, 21, 23 instead. In response, independent claims 1 and 16 have been amended to clearly required the "display surface" to be an "operating system controllable display surface", and the "reserved for exclusive use area" is within this "operating system controllable display surface".

Nason teaches the recovery of the "overscan area" for display. The "overscan area" is by definition outside the "display surface controllable by an operating system". Accordingly, Nason does not anticipate independent claims 1 and 16.

Claims 2-11, and 17-19 depend on claims 1 and 16 respectively, incorporating their limitations. Accordingly, for at least the same reasons, claims 2-11, and 17-19 are patentable over Nason.

Claims 21 and 23 contain in substance the same limitations as amended claims 1 and 16. Therefore, for at least the same reasons, claims 21 and 23 are patentable over Nason.

With respect to claims 12-13, claims 12-13 depend on claim 1, incorporating its limitation. Therefore, for at least the same reasons, claims 12-13 are patentable over Nason. Gould does not remedy the above discussed deficiency of Nason. Thus, for at least the same reasons, claims 12-13 are still patentable over Nason, even when combined with Gould.

Independent claim 20, has been similarly amended to clearly relate the limitations to reserving exclusive use area within an operating system controllable display surface. Accordingly, claim 20 is patentable over Nason. Gould does not remedy the above discussed deficiency of Nason. Thus, for at least the same reasons, claim 20 is still patentable over Nason, even when combined with Gould.

Claim 24 contain in substance the same limitations as claim 20. Therefore, for at least the same reasons, claim 24 is patentable over Nason and Gould combined.


With respect to the restriction of claims 14-15, 22, and 25-29, Applicant has amended claims 14 and 25, and therefore claim 22, to clearly relate the recited limitations to the reservation of exclusive use area in an operating system controllable display surface. Thus, amended claims 14 and 25 are clearly species claims to genus claim 1. Accordingly, withdrawal of the restriction is requested.

In view of the foregoing, Applicant submits that claims 1-29 are directed towards the same invention, and for reasons set forth earlier, are in condition of allowance. Therefore, early issuance of Notice of Allowance is respectfully requested.

Please charge any shortages and credit any overages to Deposit Account No. 500393

Respectfully submitted,
Schwabe, Williamson & Wyatt, PC

Date: April 16, 2004



Aloysius AuYeung
Reg. No. 35,432

Attorney's Docket No.: 109911-130400 Initials: AKP/cah/yc
 Application No.: 09/517,874 Filing Date: 3/2/2000
 Title: EXCLUSIVE USE DISPLAY SURFACE AREAS AND PERSISTENTLY VISIBLE DISPLAY OF CONTENTS INCLUDING ADVERTISEMENTS
 Client: Xoucin Inventor(s): Porter
 Date Mailed: 4/16/04 Docket Date: 4/20/04
 The following items have been received in the U.S. Patent & Trademark Office on the date stamped herein:

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$55.00)

Complete if Known

Application Number 09/517,874
 Filing Date 3/2/00
 First Named Inventor Porter
 Examiner Name Nguyen, T.T.
 Art Unit 2174
 Attorney Docket No. 108911-130400

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 500393
 Deposit Account Name Schwabe Williamson et al.

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 830	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claims, if not paid
1204 88	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

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FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1063 130	1063 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 65	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(c)	
1806 180	1806 180	Submission of Information Disclosure Sheet	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) Statutory Disclaimer

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SUBTOTAL (3) (\$55)

SUBMITTED BY

Name (Print/Type) Aloysius T.C. AuYeung

Signature *[Signature]*

Registration No. 35,432

(Assignee/Agent)

(Complete if applicable)

Telephone 503 222 9881

Date 4/16/04

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 First Named Inventor Porter
 Examiner Name Nguyen, T.T.
 Art Unit 2174
 Attorney Docket No. 109811-130400

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500393

Schwabe Williamson et al.

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SUBTOTAL (3) (\$55)

SUBMITTED BY

Name (Print/Type) Aloysius T.C. AuYeung
 Signature *[Signature]*
 Registration No. 35,432
 Telephone 603 222 9981
 Date 4/16/04

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